



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**THE JOHN A. WILSON BUILDING**  
**1350 PENNSYLVANIA AVENUE, NW**  
**WASHINGTON, D.C. 20004**

**CHRISTINA HENDERSON**  
Councilmember, At-Large

**Committee Member**  
Government Operations and Facilities  
Health  
Labor and Workforce Development  
Transportation and the Environment

**Statement of Introduction for the Automated Traffic Enforcement Effectiveness  
Amendment Act of 2022  
September 19, 2022**

Today, I am introducing the Automated Traffic Enforcement Effectiveness Amendment Act of 2022, along with Councilmembers Brianne K. Nadeau, Elissa Silverman, Brooke Pinto, and Charles Allen.

For most Americans, driving is a part of daily life. Drivers share the road with pedestrians, bicyclists, other drivers, and communities writ large, and all are bound by trust that others will obey the laws that govern road use. One person who breaks that trust by violating traffic laws can cause immense harm and suffering for communities, wreak havoc on infrastructure, and depress feelings of security and civic pride. In the District, the effects of traffic violence are concentrated in the eastern side of the city. In 2020 and 2021, just less than half of all traffic deaths in the District occurred in Wards 7 and 8. Vision Zero, launched in 2015 with the goal of eliminating traffic fatalities by 2024, has not made the progress necessary to achieve that goal. Traffic violence killed 37 people in 2021, a 10-year high. There are also untold numbers of accidents and near misses. While the District continues to work toward the goal of eliminating traffic fatalities by reducing speed limits, installing protected bike lanes, installing speed humps and curb bump-outs, and narrowing traffic lanes, it is equally important to sharpen the tools at our disposal that address the main issue—drivers who violate traffic safety laws.

The District's traffic safety enforcement regime is unique. Unlike most other jurisdictions in the United States, the District has largely withdrawn from its reliance on police officers to enforce traffic laws. Police generally intervene in situations in which drivers in the District are egregiously violating traffic safety laws and pose a clear and immediate danger to themselves and others. Currently, fines and points on a driving record are assigned for moving violations when the violation is recorded by a police officer. Only fines are assessed for moving violations captured by automated traffic enforcement ("ATE") systems, which are cameras installed by the District Department of Transportation ("DDOT") to enforce traffic laws and reduce traffic violations on roadways. In the District, ATE systems capture three types of moving violations: speeding more than 11 miles over the speed limit, running red lights, and running stop signs. Fines have not proven to be an effective enforcement mechanism, as there are several instances of drivers accumulating thousands and thousands of dollars in fines for moving violations to no consequence.

The Automated Traffic Enforcement Effectiveness Amendment Act of 2022 revises Title 18 of the District of Columbia Municipal Regulations ("DCMR") to assess 1 point against the driving record of an individual for each moving violation detected by an automated traffic enforcement ("ATE") system and to assess one additional point to those assessed for a moving violation if the moving



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violation occurs in a school zone. The first moving violation detected by an ATE system in a two year period will be waived. The legislation also amends the Fiscal Year 1997 Budget Support Act of 1996 to create a rebuttable presumption that the owner of a vehicle was its operator at the time a moving violation is detected by an ATE system. Further, the bill also amends the District of Columbia Traffic Adjudication Act of 1978 to permit a deemed admission of a violation detected by an ATE system to be vacated upon a showing of sufficient evidence that the owner of a vehicle was not its operator. To encourage compliance of traffic laws using private market tools, especially for drivers with out-of-state tags, the bill requires the Director of the DMV to biannually send a report containing the motor vehicle record of drivers who acquire five moving violation infractions in the District to the drivers' respective automobile insurance company. Finally, this bill amends the District of Columbia Traffic Act of 1925 to require the towing or immobilization of a parked vehicle with five or more unpaid moving violations; and to require the towing or immobilization of a parked vehicle displaying counterfeit, stolen, or otherwise fraudulent temporary identification tags.

The bill also amends the DCMR to formalize an existing DMV program which allows the Director to waive assessed points upon the driver's completion of a traffic safety course. The Director may waive assessed points depending on the driving record of the individual, the seriousness of the moving violation, and may waive points under this rule no more than one time each year.

The District has been intentionally incorporating more ATE systems across the city. DDOT carefully assesses the need for ATE systems after receiving complaints from the community through 311 requests and emails, from MPD, after conducting engineering and safety studies field visits, and through the fatal crash review process. Prior to installing an ATE system, DDOT conducts a thorough screening process, which includes an existing conditions review, crash data review, speed data review, and site visits at peak hours. DDOT then monitors drivers' compliance with traffic laws following the installation, and if enough drivers comply with traffic laws, DDOT may move the camera to another location that has been assessed. DDOT prioritizes ATE system placement in alignment with these principals, and will install additional systems throughout the city in the upcoming year to enforce traffic laws.

This legislation would set the District on the path to be a leader in traffic enforcement systems that do not rely on law enforcement. It creates reasonable accommodations for people who make mistakes and structures consequences in the public and private spheres for serial violators. Speeding and running red lights and stop signs threatens the livability of our neighborhoods and compromises the safety of children, pedestrians, bicyclists, and other drivers. The District's reliance on fines as penalties is not and cannot be the only option at our disposal. Traffic violence must end, and we must use and hone all available tools to meet this crisis.

1 Brianne K. Nadeau

2 Councilmember Brianne K. Nadeau

Christina Henderson

Councilmember Christina Henderson

3  
4 Elissa Silverman

5 Councilmember Elissa Silverman

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Councilmember Brooke Pinto

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8 Charles Allen

9 Councilmember Charles Allen

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12 A BILL  
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17 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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22 To amend Title 18 of the District of Columbia Municipal Regulations to assess one traffic point  
23 per moving violation detected by an automated traffic enforcement system against the  
24 driving record of an individual, to add an additional point to those assessed for a moving  
25 violation occurring in a designated school zone, and to permit the Director of the  
26 Department of Motor Vehicles to waive points from a driving record if the Director  
27 approves the driver's petition to complete a traffic safety course; to amend the Fiscal  
28 Year 1997 Budget Support Act of 1996 to create a rebuttable presumption that the owner  
29 of a vehicle operated the vehicle at the time of a violation detected by an automated  
30 traffic enforcement system; to amend the District of Columbia Traffic Adjudication Act  
31 of 1978 to permit a deemed admission of a violation detected by an automated traffic  
32 enforcement system to be vacated upon a showing of sufficient evidence that the owner  
33 of a vehicle was not its operator at the time, to require the Director of the Department of  
34 Motor Vehicles to biannually send a report to insurers of driving records of drivers who  
35 acquire 5 or more moving violation infractions in the District of Columbia within the  
36 preceding 6 months; and to amend the District of Columbia Traffic Act of 1925 to require  
37 the towing or immobilization of a parked vehicle with 5 or more unpaid moving  
38 violations or displaying counterfeit, stolen, or otherwise fraudulent temporary  
39 identification tags.  
40

41 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
42 act may be cited as the "Automated Traffic Enforcement Effectiveness Amendment Act of  
43 2022."

Sec. 2. Section 303 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 303) is amended as follows:

(a) Subsection 303.2 is amended by inserting new paragraph (ii) to read as follows:

“(ii) Violations detected by an automated traffic enforcement system. 1 point”.

(b) New subsections 303.18 and 303.19 are added to read as follows:

“303.18 The Director shall assess one additional point for any moving violation that occurs within a designated school zone.”.

“303.19 The Director may waive points assessed for moving violations to a driving record if, when contesting a ticket that assigns points to their driving record for a traffic violation assessed pursuant to the schedule in § 303.2, a licensee requests that the points be waived following completion of a traffic safety course approved by the Director. The Director shall consider the driving record of the licensee and the seriousness of the violation in determining the licensee’s eligibility to waive the respective points. If the licensee is deemed eligible for this option, the Director shall waive the points upon the licensee paying the ticket fine for the traffic violation and the Director confirming receipt of documentation certifying that the licensee successfully completed the course. The Director shall not waive points more than one (1) time in twelve (12) months.”.

Sec. 3. Title IX of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01 *et seq.*), is amended as follows:

(a) Section 901 (D.C. Official Code § 50-2209.01) is amended by adding a new subsection (d) to read as follows:

66 “(d) Notwithstanding subsection (c) of this section, an individual’s driver’s license or  
67 privilege to operate a motor vehicle in the District may be suspended or revoked for a violation  
68 detected by an automated traffic enforcement system if the subsequent assessment of traffic  
69 points pursuant to Chapter 3 of Title 18 of the District of Columbia Municipal Regulations  
70 compels suspension or revocation.”.

71 (b) Section 902 (D.C. Official Code § 50-2209.02) is amended as follows:

72 (1) A new subsection (a-1) is added to read as follows:

73 “(a-1)(1) For purposes of the assessment of traffic points against an individual’s driving  
74 record pursuant to Chapter 3 of Title 18 of the District of Columbia Municipal Regulations, the  
75 owner of a motor vehicle issued a notice of infraction for a violation recorded by an automated  
76 traffic enforcement system shall be presumed to have been the operator of the vehicle at the time  
77 of the violation. If one vehicle is registered to two individuals, the individuals shall register as  
78 primary and secondary registrants, and the primary registrant shall be presumed to be the  
79 operator of the vehicle at the time of the violation. Such presumptions may be rebutted by the  
80 presentation of sufficient evidence in the answer to the notice of infraction or at a hearing  
81 requested pursuant to subsection (c) of this section.

82 “(2) Traffic points shall not be assessed against the operator of a vehicle for the  
83 first violation detected by an automated traffic enforcement system in a two year period.”.

84 (2) Subsection (b) is amended as follows:

85 (A) The existing text is redesignated as paragraph (1).

86 (B) A new paragraph (2) is added to read as follows:

87 “(2) The Mayor shall include with the notice of infraction:

88 “(A) A warning that violations detected by an automated traffic  
89 enforcement system and admitted by the operator, or established after a hearing held pursuant to  
90 section 206 of the District of Columbia Traffic Adjudication Act of 1978, effective September  
91 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2302.06), may result in the assessment of  
92 traffic points against the operator’s driver’s license; and

93 “(B) A copy of the point schedule set forth in 18 DCMR § 303.2  
94 conveying the traffic points assessable for various violations detectable by automated traffic  
95 enforcement systems.”.

96 (3) Subsection (c) is amended to read as follows:

97 “(c) An owner or operator who receives a citation may request a hearing which shall be  
98 adjudicated pursuant to Title II of the District of Columbia Traffic Adjudication Act of 1978,  
99 effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2302.01 *et seq.*).”.

100 Sec. 4. The District of Columbia Traffic Adjudication Act of 1978, effective September  
101 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*), is amended as follows:

102 (a) Section 109 (D.C. Official Code § 50-2301.09) is amended by adding a new  
103 subsection (c) to read as follows:

104 “(c) Twice yearly, the Director shall send a report to the insurers of motor vehicle owners  
105 who have 5 or more outstanding moving violation infractions accumulated in the District of  
106 Columbia over a 6-month period a copy of the owner’s record.”.

107 (b) Section 205(i)(3) (D.C. Official Code § 50-2302.05(i)(3)) is amended to read as  
108 follows:

109 “(3) If the infraction underlying a deemed admission pursuant to subsection (e) of  
110 this section involves a violation detected by an automated traffic enforcement system pursuant to

section 901 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01), the deemed admission may be vacated if the Department receives a written application by mail or through the Department’s website within 60 days of the date of admission if the application provides sufficient evidence that the respondent:

“(A) Was not the owner or lessee of the cited vehicle at the time of the infraction;

“(B) Reported that the registration plates were stolen from the cited vehicle at the time of the infraction;

“(C) Reported that the cited vehicle was stolen at the time of the infraction; or

“(D) Was not the operator of the car at the time of the infraction.”.

Sec. 5. Section 6(k)(1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(k)(1)), is amended to read as follows:

“(k)(1)(A) Any unattended motor vehicle found parked at any time upon any public highway of the District against which there are 2 or more unpaid notices of infraction or vehicle conveyance fees that the owner was deemed to have admitted or that were established after a hearing, pursuant to sections 305 or 306 of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code §§ 50-2302.05, 2303.06), or section 902 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.02), or against which there have been issued 2 or more warrants may, by or under the direction of a law enforcement officer, member of the Metropolitan Police Department or the United States Park Police, or an employee of the Department of Transportation or Department of Public Works, either by towing or otherwise, be

134 removed or conveyed to and impounded in any place designated by the Mayor or immobilized in  
135 such manner as to prevent its operation.

136                   “(B) Notwithstanding subparagraph (A) of this paragraph, any unattended  
137 motor vehicle found parked at any time upon any public highway of the District against which  
138 there are 5 or more unpaid notices of infraction for moving violations adjudicable pursuant to  
139 Title II of the District of Columbia Traffic Adjudication Act of 1978, effective September 12,  
140 1978 (D.C. Law 2-104; D.C. Official Code § 50-2302.01 *et seq.*), that the owner was deemed to  
141 have admitted or that were established after a hearing, pursuant to sections 205 or 206 of the  
142 District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law  
143 2-104; D.C. Official Code §§ 50-2302.05, 2303.06), or section 902 of the Fiscal Year 1997  
144 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-  
145 2209.02), or against which there have been issued 5 or more warrants shall, by or under the  
146 direction of a law enforcement officer, member of the Metropolitan Police Department or the  
147 United States Park Police, or an employee of the Department of Transportation or Department of  
148 Public Works, either by towing or otherwise, be removed or conveyed to and impounded in any  
149 place designated by the Mayor or immobilized in such manner as to prevent its operation.

150                   “(C) In addition to any penalties imposed pursuant to section 4 of the  
151 District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 680; D.C.  
152 Official Code § 50-1501.04), any unattended motor vehicle found parked at any time upon any  
153 public highway of the District of Columbia displaying counterfeit, stolen, or otherwise fraudulent  
154 temporary identification tags shall, by or under the direction of a law enforcement officer,  
155 member of the Metropolitan Police Department or the United States Park Police, or an employee  
156 of the Department of Transportation or Department of Public Works, either by towing or



otherwise, be removed or conveyed to and impounded in any place designated by the Mayor or immobilized in such manner as to prevent its operation.

“(D) No vehicle shall be immobilized pursuant to subparagraphs (A) through (C) of this paragraph by any means other than by the use of a device or other mechanism that will cause no damage to such vehicle unless it is moved while such device or mechanism is in place.

“(E) The Mayor shall establish communications systems within and between agencies with the ability to identify vehicles eligible for towing or immobilization under sub-paragraphs (A) through (C) of this paragraph, and provide for automated alerts to agencies with towing or immobilization equipment of the need to respond.”.

Sec. 6. Applicability date.

The provisions of this Act shall apply as of June 1, 2023.

Sec. 7. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.